

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-FIFTH LEGISLATURE

OF THE
STATE OF MAINE.

1911

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fifth
Legislature

1911

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May develop
water power.

Section 6. Said corporation is further authorized to develop such water power as it may own or acquire at Cook's brook in said towns of Buxton, Hollis and Dayton, for manufacturing purposes, and to engage in manufacturing through the use of such power.

May convey
rights, fran-
chises, etc.,
to other cor-
porations.

Section 7. Said corporation may sell and convey its rights, privileges, franchises and property to any other electric light, heat, power or electric railroad or manufacturing corporation chartered by this state, or may purchase and hold the property, rights, franchises and privileges or capital stock of any such corporation.

First meet-
ing, how
called.

Section 8. The first meeting of said corporation may be called by any incorporator by mailing a written notice, postage prepaid, to each of the other incorporators seven days at least before the day of the meeting, and any incorporator may act at such meeting by proxy.

Approved March 29, 1911.

Chapter 251.

An Act to incorporate the Kittery Sewer Company.

Be it enacted by the People of the State of Maine, as follows:

Corporators.

Section 1. Horace Mitchell, Calvin L. Hayes, James H. Walker, James R. Philbrick, Clarence M. Prince, Willard T. Spinney, and George D. Boulter, with their associates, successors and assigns are hereby made a corporation under the name of the Kittery Sewer Company for the purpose of providing a system of sewers and drainage for the town of Kittery or any part of said town for the comfort, convenience and health of the people of Kittery, with all the rights, powers and privileges and immunities incident or properly belonging to such corporations.

—corporate
name.

May hold
property to
amount of
\$50,000.

Section 2. Said corporation may acquire and hold real and personal estate necessary and convenient for the purposes aforesaid not exceeding in amount fifty thousand dollars, may sell and convey the same may issue certificates of stock to an amount not exceeding one hundred thousand dollars and may issue and sell bonds to the amount of one hundred thousand dollars secured by mortgage of its works and franchise, to aid in the construction of its works.

—may issue
stock to
amount of
\$100,000.
—may issue
bonds and
mortgage
property.

May take and
hold neces-
sary lands.

Section 3. Said corporation is hereby authorized to take and hold by purchase or otherwise any land or real estate or easement therein necessary for forming basins, reservoirs and outlets, for erecting buildings, for pumping works and for laying

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and maintaining conduits for carrying and collecting, discharging and disposing of sewerage matter and waters and for any other objects necessary, convenient and proper for the purpose of this act.

Section 4. Said corporation may construct conduits, in manner aforesaid in and through said town of Kittery to and into the Piscataqua river, the discharge therefrom to be at such points in said river as is most convenient, and convey through the same sewerage, surface water and the natural flowage of existing water courses and secure and maintain basins, reservoirs and outlets; may construct and maintain flush tanks, manholes, lampholes and all usual appliances, public and private; may build and maintain pumping stations and buildings, constructions and appliances for collecting, holding and distributing and disposing of sewerage matter, may establish regulations for the use of sewers and fix and collect the prices to be paid for entering the same and also the annual rentals for using thereof, and said corporation is hereby authorized for the purposes aforesaid, having first obtained the permission of the municipal officers of said town and under such restrictions and regulations as said officers may prescribe, to lay down through the streets, highways and lands of said town, and take up, replace and repair all such conduits, pipes and fixtures as may be necessary for the objects of its corporation; to carry and lay conduits under any water-course way, public or private, or railroad in the manner prescribed by law, and to cross any drain or sewer or if necessary to change its direction in such manner as not to obstruct the use thereof, and to enter and dig up any such street, road or way, for the purpose of laying pipes beneath the surface thereof, for placing manholes or other fixtures and for maintaining and repairing the same and in general to do any other acts or things necessary, convenient and proper to be done for the purpose of this act.

Section 5. Said corporation shall file in the registry of deeds for York county, a certificate containing a description of the land taken, or on which an easement may be taken under the provisions of this act and a statement of the purposes for which it is taken to be recorded by the register and such land or easement shall be deemed to be taken upon the filing of such certificate.

Section 6. Such corporation shall be liable to pay all damages that shall be sustained by any person in his property by the taking of any land or easement therein, under the pro-

May construct conduits.

—flush tanks, manholes, etc.,

—pumping stations.

—regulate use of sewers, and fix price for entering same.

—under restrictions of municipal officers, may lay pipes through streets and lands.

—lay conduits under any water course, railroad, etc.

—and cross sewers.

—dig up streets, etc.

Shall file plans of lands taken.

Shall be liable for damages.

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—how damages shall be ascertained if parties cannot agree.

visions of this act; and if any person sustaining damages as aforesaid and said corporation shall not mutually agree upon the sum to be paid therefor, such person may cause his damages to be ascertained in the same manner and under the same conditions and limitations as are by law prescribed in the case of damages by the location of highways.

Owners of abutting property shall be permitted to enter conduits.

Section 7. Said corporation, at all times, after it shall commence receiving pay for the facilities supplied by it, shall be bound to permit the owners of all premises abutting upon lines of pipes and conduits, to enter the same with all proper sewerage upon conformity to the rules and regulations of said company, and payment of the prices and rentals established therefor.

Penalty for injuring property of corporation.

Section 8. Any person who shall place or leave any offensive or injurious matter or materials on the conduits, catch basins or receptacles of said corporation, contrary to its regulations, or shall wilfully injure any conduit, pipe, reservoir, flush tank, catch basin, manhole, lamp pole, outlet engine, pump or other property held, owned or used by said corporation for the purposes of this act, shall pay twice the amount of damages to said corporation to be recovered in any proper action; and every such person, on conviction of either of said acts of wilful injury aforesaid, shall be punished by fine not exceeding two hundred dollars and by imprisonment not exceeding one year.

Shall be liable to any person injured.

Section 9. Said corporation shall be liable to any person injured by any fault of said corporation or its agents, or in any defect in the highways occasioned by the construction of the works of said company, during said construction or after the same have been completed, or while the same shall be undergoing repairs or extensions are being made; and said corporation shall also be liable to the town of Kittery for any and all cost, damage and expense which said town may suffer or be put to by reason of the default, neglect, negligence or carelessness of said corporation or of any of its officers, servants or agents.

—and liable to town of Kittery.

Proceeding for the taking over of the works of the company by town of Kittery.

Section 10. Should the town of Kittery or the Kittery Water District at a meeting duly called for the purpose, vote to take over the works of said company, and at any time subsequent to the first day of January in the year of our Lord nineteen hundred twenty, inform the said company of its intention to take over the said works, then and in that case the said company will, within sixty days after receipt of notice of such intention of the said town or district and upon the tender of the fair market value, at the time, of the said works of the company, convey and make over to the said town or district the said sewer works and system in their entirety as they then exist and make, exe-

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cute, acknowledge and deliver such deeds, conveyances, transfers or other instruments as may be necessary to secure to the town or district all and every right, title and interest whether in law or in equity which the said company may have in said sewer works and system.

Section 11. Should said sewer works and system to be taken over by the town or district, as aforesaid, the consideration to be paid by the town or district therefor, shall be the fair market value of the said works at the time of taking, as may be agreed upon by the said parties thereto. And should said parties be unable to agree upon the amount to be so paid, the same shall be left to the determination of three persons to be chosen as follows: namely, one who shall not be a lawyer, to be selected by the company, one who shall not be a lawyer to be chosen by the municipal officers of the town, and another who shall be learned in the law, to be chosen by the chief justice of the supreme court, whose finding in the matter shall be final and conclusive between the parties.

Town shall pay fair consideration for works.

—how price shall be fixed if parties fail to agree.

Section 12. The affairs of said corporation shall be controlled by a board of directors consisting of not less than seven members, the majority of which shall be citizens of the town of Kittery, and elected annually by a vote of the stockholders of the corporation; and the board of directors shall choose such other officers as may from time to time be required by the by-laws of the corporation, provided however in the event of the corporation being acquired by the Kittery Water District it shall be controlled by the trustees of said district.

Board of directors, number and election.

—other officers.

Section 13. Any two of the persons mentioned in the first section of this act, may call the first meeting of said corporation by mailing a notice at least five days before said meeting to all of the incorporators.

First meeting, how called.

Approved March 29, 1911.

Chapter 252.

An Act to revive and extend the charter of the Kingman Development Company.

Be it enacted by the People of the State of Maine, as follows:

Chapter three hundred and twenty-three of the private and special laws of the year one thousand nine hundred and seven is hereby revived and continued in force and the corporators named therein are hereby given a further period of two years from the date that this act shall take effect in which to organize and commence business under said act.

Charter revived and extended.

Approved March 29, 1911.